

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO ALL
CLASS ACTIONS

Judge Patti B. Saris

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST ALL
TRACK 1 DEFENDANTS**

Plaintiffs respectfully move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for partial summary judgment against all Track 1 Defendants and in favor of Class 1 and Class 2. This motion is supported by the accompanying (i) Plaintiffs' Memorandum in Support of Motion for Partial Summary Judgment Against All Track 1 Defendants, (ii) Plaintiffs' L.R. 56.1 Statement of Undisputed Material Facts in Support of Motion for Partial Summary Judgment Against All Track 1 Defendants, (iii) the Declaration of Steve W. Berman in Support of Plaintiffs' Motion for Partial Summary Judgment Against All Track 1 Defendants, and (iv) all exhibits thereto.

DATED: March 15, 2006

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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST ALL TRACK 1 DEFENDANTS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on March 15, 2006, a copy to LexisNexis File & Serve for posting and notification to all parties.

By /s/ Steve W. Berman

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